



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODNEY PARKER,

Defendant.

Criminal Case No. 08-MJ-0451-WMC

**FINDINGS OF FACT AND ORDER OF
DETENTION**

In accordance with § 3142(f) of the Bail Reform Act of 1984 (18 U.S.C. § 3141 et seq.), a detention hearing was held on February 28, 2008, to determine whether defendant Rodney Parker (the "Defendant") should be held in custody pending trial on the grounds that Defendant is a flight risk. Special Assistant U.S. Attorney Carlos O. Cantu appeared on behalf of the United States; attorney Gregory Murphy, Federal Defenders, Inc., appeared on behalf of the Defendant.

Based on the evidence proffered by the United States and Defendant, the pretrial services report, and the complaint, the Court concludes that the following facts establish by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required.

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I.

FINDINGS OF FACT

A. Nature and Circumstances of the Offense Charged (18 U.S.C. § 3142(g)(1))

1. Defendant is charged in a complaint with two counts: Felon in Possession of Ammunition, in violation of 18 U.S.C. 922(g)(1); and Possession of Ammunition by an Unlawful User of a Controlled Substance, in violation of 18 U.S.C. 922(g)(3).

2. If convicted of this charge, the Defendant faces a maximum sentence of 10 years imprisonment. 18 U.S.C. 924(a)(2).

B. Weight of the Evidence Against the Defendant (18 U.S.C. § 3142(g)(2))

1. On February 16, 2008, Defendant was arrested for being in possession of ammunition. Defendant is a convicted felon and is an unlawful user of a controlled substance.

2. While admittedly the least important factor, the Court finds that probable cause exists that the defendant committed the instant offense and that this factor weighs in favor of detention.

C. History and Characteristics of the Defendant (18 U.S.C. § 3142(g)(3))

1. Due to the lack of evidence with regard to Defendant's character, this factor is treated as neutral by the Court;

2. Due to the lack of evidence with regard to Defendant's physical and mental condition, this factor is also treated as neutral by the Court;

3. Defendant has a mother and friends in the Southern District of California. This factors weighs in favor of issuing bail;

4. Defendant's employment history is unknown or unspecified at this time;

5. Because Defendant has no known financial ties to the community, this factor weighs in favor of detention;

6. Defendant's community ties are in San Diego, as his mother and girlfriend reside in the area;

7. Defendant's community ties are viewed as neutral and/or duplicative by the Court;

8. Defendant admitted to being an unlawful user of methamphetamine and cocaine.

This factor weighs in favor of detention;

9. Because Defendant has a criminal history, this factor weighs in favor of detention;

10. Defendant's history of parole and probation violations weigh in favor of detention.

II.

REASONS FOR DETENTION

A. There is probable cause to believe that Defendant committed the offenses charged in the Criminal Complaint, namely, Felon in Possession of Ammunition, in violation of 18 U.S.C. 922(g)(1), and Possession of Ammunition by an Unlawful User of a Controlled Substance, in violation of 18 U.S.C. 922(g)(3).

B. Defendant potentially faces a substantial period of time in custody if convicted of the offenses charged in the Complaint; specifically, he faces a potential maximum sentence of 10 years' imprisonment. He therefore has a strong motive to flee.

C. Based upon the Court's finding, there is probable cause to believe that Defendant committed offenses for which a maximum term of imprisonment of 10 years is prescribed, and that no condition or combination of conditions will reasonably assure the appearance of Defendant at future court proceedings. The Government has carried its burden of establishing by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of Defendant, as required.

III.

ORDER

IT IS HEREBY ORDERED that Defendant be detained pending trial in this matter.

IT IS FURTHER ORDERED that the Defendant be committed to the custody of the Attorney General or her designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded reasonable opportunity for private consultation with counsel.

1 While in custody, upon order of a court of the United States or upon the request of an
2 attorney for the United States, the person in charge of the correctional facility shall deliver the
3 Defendant to the United States Marshal for the purpose of an appearance in connection with a court
4 proceeding or any other appearance stipulated to by defense and government counsel.

5 THIS ORDER IS ENTERED WITHOUT PREJUDICE.

6 IT IS SO ORDERED.

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8 DATED: 3/4/08

William McCurine
The Honorable William McCurine
United States Magistrate Judge

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10 Prepared by:

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12 Carlos O. Cantu
13 Special Assistant U.S. Attorney

14 cc: Gregory Murphy
15 Federal Defenders, Inc.
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